

EPT 50/8



**U.S. Customs and  
Border Protection**

**JAN 27 2009**

MEMORANDUM FOR: PATROL AGENTS IN CHARGE  
AND UNIT SUPERVISORS  
EL PASO SECTOR

FROM:

**(b)(6)(b)(7)(C)**

Chief Patrol Agent  
El Paso Sector

SUBJECT: Application of Expedited Removal

The criteria below will be applied on ALL aliens placed in Expedited Removal (ER) proceedings. Any alien processed for an ER must be:

- Present in the United States without having been admitted or paroled following inspection by a CBP Officer at a designated Port of Entry
- Encountered by a Border Patrol Agent within one hundred air miles of the U.S. international border and who have not established to the satisfaction of the agent that they have been physically present in the U.S. continuously for the fourteen day period immediately prior to the date of encounter
- **(b)(7)(E)** to provide a sworn statement

If the above three conditions are met, Mexican and Canadian nationals may be processed for an ER when supporting evidence of aggravating circumstances exists such as:

- Criminal history (Any documented criminal history will make a Mexican or Canadian citizen amenable to ER.)
- Immigration history (generally history will be established on the second documented apprehension or if the alien admits in a sworn statement to having entered the United States illegally numerous times).

Criminal or immigration history when applying ER does not apply to:

- Other Than Mexicans (OTMs)
- Alien Smugglers (no conviction necessary)

Expedited removal will not apply to aliens who are:

- Unaccompanied juveniles
- Cubans
- Verified members of the class action settlement in *American Baptist Church (ABC) vs. Thornburgh*

Any alien who claims credible fear will be processed for removal as per Sector policy and held for a credible fear interview.

If you have any questions, please contact Assistant Chief Patrol Agent (b)(6)(b)(7)(C) at (915) (b)(6)(b)(7)(C) or Special Operations Supervisor (b)(6)(b)(7)(C) at (915) (b)(6)(b)(7)(C).